



REF/W71

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Examiner: Te Y. Chen
Jacques J. LABRIE	)	
	)	
Serial No.: 09/221,542	)	Art Unit: 2171
	)	
Filed: December 28, 1998	)	Confirmation No. 4441
	)	
For:	)	
<b>DATA NAVIGATION SYSTEM</b>	)	
<b>AND METHOD EMPLOYING DATA</b>	)	
<b>TRANSFORMATION LINEAGE</b>	)	
<b>MODEL</b>	)	
	)	
Date of Last Office Action:	)	
December 2, 2004	)	
	)	
Atty Docket No.:	)	
ST9-98-004	)	Cleveland, OH 44114
	)	December 22, 2004

**RESPONSE TO NOTICE OF IMPROPER REQUEST FOR  
CONTINUED EXAMINATION (RCE)**

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to a Notice of Improper Request for Continued Examination (RCE) mailed from the U.S. Patent and Trademark Office on December 6, 2004, in connection with the above-identified patent application. Applicant respectfully submits that the Notice is in error.

More particularly, the Group 2900 examining personnel noted in the Notice that the continued examination requested does not apply to an application for a design patent. However, it is respectfully submitted that the present application is a utility patent application.

Since the present application is a utility application and not a design patent application, the Request for Continued Examination Under 37 C.F.R. § 1.114 was proper.

It is believed that the above is fully responsive to the Notice and applicant requests that this application be returned to the Examiner for proper handling and for continued examination.

No fees are believed due but, in the event that any fees are owing, authorization is hereby authorized to charge any fees, or credit any overpayments to Deposit Account No. 09-0460.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH, & McKEE, LLP

22 DEC 04  
Date

Michael E. Hudzinski  
Michael E. Hudzinski  
Reg. No. 34,185  
1100 Superior Avenue  
Seventh Floor  
Cleveland, Ohio 44114-2518  
(216) 861-5582

---

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP  
\_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated  
below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service  
under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP  
AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date
December 22, 2004

Signature
<u>Barbara Brazier</u>
Printed Name
Barbara Brazier

N:\BMZ\200018\1A\bjb0002669V001.doc